

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
TracFone Wireless, Inc.)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in the State of)	
New York)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in the State of)	
Florida)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in the)	
Commonwealth of Virginia)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in the State of)	
Connecticut)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in the)	
Commonwealth of Massachusetts)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in the State of)	
Alabama)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in the)	
State of North Carolina)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in the)	
State of Tennessee)	
)	

Petition for Designation as an Eligible)
Telecommunications Carrier in the State of)
Delaware for the Limited Purpose of Offering)
Lifeline Service to Qualified Households)
)
Petition for Designation as an Eligible)
Telecommunications Carrier in the State of New)
Hampshire for the Limited Purpose of Offering)
Lifeline Service to Qualified Households)
)
Petition for Designation as an Eligible)
Telecommunications Carrier in the)
Commonwealth of Pennsylvania for the Limited)
Purpose of Offering Lifeline Service to Qualified)
Households)
)
Petition for Designation as an Eligible)
Telecommunications Carrier in the District of)
Columbia for the Limited Purpose of Offering)
Lifeline Service to Qualified Households)

**COMMENTS IN SUPPORT OF PETITION TO RESCIND
STATE 911/E911 CONDITION**

The National Emergency Numbers Association, Keystone Chapter ("Keystone NENA") comments in support of the petition to rescind state 911/E911 condition filed in this proceeding by TracFone Wireless, Inc. ("TracFone") on July 16, 2009.

As TracFone notes in its petition, the Commission conditioned TracFone's designation as an Eligible Telecommunications Carrier in ten states (including Pennsylvania) and the District of Columbia on a requirement that TracFone certify in each state where the Commission has designated it as an ETC that it is in full compliance with any applicable 911/E911 obligations, including obligations relating to the provision and support of 911 and E911 service. That state law compliance condition was imposed, at least in part, as a result of comments submitted on February 8, 2008 jointly by Keystone NENA and the Pennsylvania Office of Consumer Advocate ("PAOCA"). Included in those comments was the following statement furnished by Keystone NENA: "In the experience of Keystone NENA, all wire-line local exchange carriers, competitive local exchange carriers and resellers, as well as wireless service providers, comply with the Pennsylvania Act and collect 911 fees -- except TracFone."

In its petition to rescind, TracFone has asserted that the aforementioned statement was not correct when made and was later acknowledged as being incorrect by the undersigned, Timothy W. Baldwin, ENP, Deputy Director, Lancaster County-Wide Communications, the person making the statement. The undersigned who signed the February 8, 2008 comments on behalf of Keystone NENA, has confirmed, after further review, that the information relied upon as the basis for the aforementioned statement was provided to Keystone NENA by the Pennsylvania Emergency Management Agency ("PEMA"), and was not based upon data directly collected or maintained by Keystone NENA. Keystone NENA did not verify the accuracy of the information provided by PEMA before including the aforementioned statement in its February 8, 2008 FCC filing.

As noted above, Keystone NENA relied upon the information provided to it by PEMA, and had no data or information which it independently collected or maintained regarding any telecommunications practices or policies for the wireless E911 surcharge codified in Pennsylvania's Emergency Telephone Act. Notwithstanding the statement contained in the February 8, 2008 comments, Keystone NENA did not intend to purport that it had independently compiled or maintained data confirming which carriers collect and remit E911 surcharges, nor did it intend to purport to have independently compiled or maintained data evidencing whether any wireless providers collect and remit fees on the prepaid portion of their respective businesses.

As set forth above, the statement contained in the February 8, 2008 comments was based on information provided to Keystone NENA by PEMA. Keystone NENA relied upon that information and did not compile or maintain data to independently confirm its accuracy. It is the understanding of Keystone NENA, that the wireless industry, and certain regulatory agencies, are now working diligently and cooperatively to amend the law so as to establish a workable collection mechanism which would result in all consumers of prepaid wireless services in Pennsylvania contributing to the support of E911 service. On July 29, 2009, HB 1789 was introduced in the Pennsylvania Legislature as a solution.

To the extent that the state certification condition may have been imposed on TracFone, in part, as a result of incorrect information provided to the Commission by Keystone NENA, Keystone NENA, respectfully requests that the condition be rescinded.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Timothy W. Baldwin". The signature is fluid and cursive, with a large initial "T" and a stylized "W". It is positioned above a horizontal line.

Timothy W. Baldwin, President
Keystone Chapter National Emergency
Number Association